



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,889	06/27/2003	Ganesh Sivaraman	915-006.019	7811
4955 7590 01/23/2008 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/608,889

Applicant(s)

SIVARAMAN ET AL.

Examiner

Ramy M. Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 16, 17, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 16, 17, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is responsive to amendment filed on November 13, 2007, where Applicant amended claims 1-7,16,17, cancelled claims 14,15,18, and added new claims 21-22. Claims 1-7,16,17,21,22 are pending.

### ***Response to Arguments***

2. Applicant's arguments, filed 11/13/2006, with respect to the rejection(s) of claim(s) 1-7,16,17,21,22 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kruis et al as outlined below. Applicants arguments are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to a program itself and not to a process occurring as a result of executing the program on an actual physical machine. What is required is an actual machine device that is programmed to operate in accordance with the program in order to realize the functionality of the program. Therefore it is seen as non-statutory.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-7,16,17,21,22 rejected under 35 U.S.C. 102(e) as being anticipated by Kruis et al (US Patent Publication No 2004/0242209).**

6. In reference to claim 1, Kruis teaches a method, comprising:

generating a request at a user terminal device for retrieving information stored in at least one data store in another device (§ 82 lines 1-4),

transmitting said generated request to said other device (§ 82 lines 1-10); and

applying retrieved information to configure one or more applications executable at said user terminal device to enable said applications accessing said at least one data store to obtain data of at least one content type therefrom (§ 43 lines 30-38 and § 44 lines 15-22), wherein said request comprises:

at least one data store descriptor suitable for characterizing said at least one data store, said at least one data store descriptor identifying at least one content type of data stored in said at least one data store (Figure 6 and § 82 lines 8-18 & § 85 lines 4-12);

and

a command for instructing a second device to identify at least one data store matching with said at least one data store descriptor, to retrieve information relating to said at least one identified data store and to return said retrieved information (§ 82 lines 8-20).

7. In reference to claim 2, Kruis teaches the method according to claim 1, wherein said generating comprises: identifying said at least one data store descriptor to be coded (Figure 6 and § 82 lines 8-18 & § 85 lines 4-12).

8. In reference to claim 3, Kruis teaches method according to claim 1, wherein said at least one data store descriptor comprises at least one data type descriptor relating to at least one data content type (Figure 6 and § 82 lines 8-18 & § 85 lines 4-12).

9. In reference to claim 4, Kruis teaches the method according to claim 3, wherein said data type descriptor is a multipurpose Internet mail extension content type definition (§ 90).

10. In reference to claim 5, Kruis teaches the method according to claim 1, wherein said information relating to said at least one data store includes an address information for enabling access to said at least one data store (Figure 6 and § 82 lines 8-18 & § 85 lines 4-12).

11. In reference to claim 6, Kruis teaches the method according to claim 1, wherein said request is based on the synchronization markup language protocol (§ 67).

12. In reference to claim 7, Kruis teaches the method according to claim 6, wherein said command of said request is a modified ALERT command having a specific ALERT CODE and including a META element containing a TYPE element for defining said at least one data store descriptor (§ 125).

13. In reference to claim 21, Kruis teaches the method according to claim 1, further comprising: retrieving data stored on said at least one identified data store using said one or

more configured applications executed on said user terminal device in a subsequent process (Figure 6 and ¶ 82 lines 8-18 & ¶ 85 lines 4-12).

14. In reference to claim 22, Kruis teaches the method according to claim 1, wherein said retrieved information relating to said at least one identified data store includes at least one of access control information, access right information, data store preferences and data store properties (Figure 6 and ¶ 82 lines 8-18 & ¶ 85 lines 4-12).

15. In reference to claims 16-17, these are computer readable medium and device claims respectively that both correspond to the method claim of claim 1. Therefore, claims 16-17 are rejected based upon the same rationale as given for claim 1 above.

### *Conclusion*

16. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Application/Control Number:  
10/608,889  
Art Unit: 2157

Page 6


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO  
January 18, 2008

  
Ramy M. Osman  
Patent Examiner  
Electronic Business Center